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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KNABLE, GEOFFREY L

ART UNIT

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1791

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DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/988,347	Applicant(s) OGAWA ET AL.	
	Examiner Geoffrey L. Knable	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>5/11/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/11/2009 has been entered.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 29-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The last five lines of claim 29 define that during the winding, "bead portions located on the carcass band are positioned at the same or wider axial spacing that portions of the carcass corresponding to the sidewalls". The original disclosure does not however describe or characterize the invention in this manner, this representing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. First, there is no literal support in the specification for this new requirement. Presumably, the drawings are being relied upon for support. However,

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the drawings are described as “schematic” and therefore would not have been read as describing any particular relationship between the axial bead spacing and “portions of the carcass corresponding to the sidewalls”. Further, these drawings, even if read as working drawings, cannot reasonably be read to describe the presently claimed range of relative locations (“same or wider”).

4. Claims 25, 27 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

At the end of line 6 in claims 25, 27 and 28, the comma after “tread” was inadvertently omitted.

5. Claims 15-28 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Landsness (US 4,279,683) or DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

As to claims 15-17, 19, 22-24 and 26, these references are applied for the same reasons set forth in the last office action against claims 3, 4 and 13, these new claims defining essentially the same method as the previous claims. New claim 22 additionally defines that bead cores are moved axially inward in the radial expansion step. This however represents a necessary requirement during toroidal expansion due to the inextensibility of the carcass ply in the axial direction, this therefore being an implicit requirement, or in any event a certainly obvious requirement in toroidally shaping a tire carcass in view of for example Tokunaga (e.g. fig. 1(D)-1(E), col. 1, lines 35-42; fig. 2b-

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2c). As to the remaining dependent claims newly defining applying a belt layer and winding onto an outer surface of the belt layer, DE '747¹ teaches providing a belt layer (e.g. 13/30 in figs. 2a/4 and col. 3, lines 20-22 of equivalent Blickwedel et al. US 6,923,879) and applying/winding the tread and Landsness discloses winding the tread on the shaped carcass, a belt layer being an implicit or certainly obvious feature of any tire, Tokunaga et al. providing exemplary evidence of the conventional inclusion of a belt layer between a carcass and tread.

6. Claims 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Landsness (US 4,279,683) or DE 19831747 to Continental alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384) as applied above, and further in view of EP 968,846 to Sakamoto et al. (newly cited).

Claim 29 differs from claim 15 by additionally defining that during the winding, "bead portions located on the carcass band are positioned at the same or wider axial spacing that portions of the carcass corresponding to the sidewalls". Neither Landsness nor DE '747 provide detail of the specific relative position of the beads and sidewall carcass portions of the shaped carcass. Tokunaga et al. illustrates that the shaped carcass during application of the sidewalls has flared bead portions (note all the figures illustrating the shaped carcass, especially figs. 5-6 that are not described as schematic). EP '846 (esp. paragraphs [0002]-[0003] and figs. 7-8) further provides evidence that a

¹ as previously noted, DE '747 is apparently equivalent to previously cited Blickwedel (US 6,923,879) - Blickwedel itself was previously withdrawn in view of applicant perfecting priority - portions of this US patent will however be referred to as this is reasonably considered to effectively represent an English translation of DE '747 (e.g. note the shared priority/common figures/etc.).

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shaped green tire “normally” (using the term from EP ‘846) has a shape where the bead portions are spread outward. In view of these teachings, it would have been obvious, and in fact typical and normal, to provide the shaped configuration for the carcass in either reference with axially outwardly flared bead areas. A method as required by claim 29 would therefore have been obvious. The dependent claims are rejected for the same reasons as the analogous dependent claims on claim 15.

7. Claims 15-17, 19, 22-24 and 26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over JP 10-109,506 to Otsu.

As to claims 15-17, 19, 22-24 and 26, JP ‘506 is applied for the same reasons set forth in the last office action against claims 3, 4 and 13, these new claims defining essentially the same method as the previous claims. New claim 22 additionally defines that bead cores are moved axially inward in the radial expansion step. This requirement is illustrated in figs. 3(A)-3(B) of JP ‘506. This further represents a necessary requirement during toroidal expansion due to the inextensibility of the carcass ply in the axial direction, this illustration therefore would have been understood as showing an implicit, or in any event certainly obvious requirement.

8. Claims 18, 20, 21, 25, 27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-109,506 to Otsu as applied above, and further in view of at least one of [Landsness (US 4,279,683) and Hanson (US Re25,349 - newly applied)].

As to dependent claims 18, 20, 21, 25, 27 and 28 defining applying a belt layer and winding onto an outer surface of the belt layer, JP ‘506 teaches applying a belt

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layer to the shaped carcass and then applying/adhering a tread layer (e.g. fig. 4(B) and paragraph [0047] of the translation). JP '506 does not however describe specifically how the tread is applied and therefore does not explicitly describe winding thereof.

Landsness (e.g. col. 1) and Hanson (e.g. cols. 1-2) provide evidence that the ordinary artisan understands that a tread is conventionally applied either by winding/wrapping a full width band and splicing its ends or alternatively (and advantageously) helically winding a narrow ribbon. To apply the tread onto the belt (that is already applied to the expanded carcass) in JP '506 either by winding/wrapping a full width band or helically winding a narrow width ribbon would have been obvious in view of these teachings for only the expected and predictable results.

9. Claims 29-31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-109,506 to Otsu as applied above, and further in view Tokunaga et al. (US 5,380,384) and EP 968,846 to Sakamoto et al. (newly cited).

Claim 29 differs from claim 15 by additionally defining that during the winding, "bead portions located on the carcass band are positioned at the same or wider axial spacing that portions of the carcass corresponding to the sidewalls". JP '506 does not specifically describe the relative bead positions as claimed although fig. 4 arguably illustrates the bead portions being at about the same axial spacing as a "portion" (e.g. the radially outer portion) of the carcass corresponding to the sidewalls. In any event, Tokunaga et al. illustrates that the shaped carcass during application of the sidewalls has flared bead portions (note all the figures illustrating the shaped carcass, especially figs. 5-6 that are not described as schematic) and EP '846 (esp. paragraphs [0002]-

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[0003] and figs. 7-8) further provides evidence that a shaped green tire “normally” (using the term from EP ‘846) has a shape where the bead portions are spread outward. In view of these teachings, it would have been obvious, and in fact typical and normal, to provide the shaped configuration for the carcass with axially outwardly flared bead areas. A method as required by claim 29 would therefore have been obvious. The dependent claims are rejected for the same reasons as the analogous dependent claims on claim 15.

10. Claims 32, 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 10-109,506 to Otsu as applied above, and further in view Tokunaga et al. (US 5,380,384) and EP 968,846 to Sakamoto et al. (newly cited) as applied to claims 29-31 and 33 above, and further in view of at least one of [Landsness (US 4,279,683) and Hanson (US Re25,349 - newly applied)].

As to dependent claims 32, 34 and 35, to apply the tread onto the belt in JP '506 either by winding/wrapping a full width band or helically winding a narrow width ribbon would have been obvious in view of Landsness and/or Hanson as applied against claims 18, 20, 21, 25, 27 and 28 above.

11. Applicant's arguments filed 5/11/2009 have been fully considered but they are not persuasive.

With respect to the prior art rejections, the references are each briefly described and it is broadly argued that none of the previously applied references (which are once again applied) teach or suggest the combinations of features as defined in claims 15-35. For the reasons detailed in the statements of rejection, however, the present claims are

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considered anticipated or obvious in view of the cited references. The specific feature of new claim 29 with respect to the relative spacing of the bead portions is also pointed to by applicant, it being urged that DE '747 and JP '506 teach a bead region that is inward of the sidewall portions and Landsness does not teach anything about the bead regions. These arguments have been carefully considered but are unpersuasive, especially in view of the newly cited art, for the reasons noted in the statement of rejection. It is also stressed that this requirement lacks descriptive support in the original disclosure and therefore is new matter. Further, it is not necessarily agreed that especially JP '506 does not teach a spacing consistent with the new claim requirement as fig. 4 arguably illustrates the bead portions being at about the same axial spacing as a "portion" (e.g. the radially outer portion) of the carcass corresponding to the sidewalls - claim 29 requires nothing more than this. In any event, as noted in the statements of rejection, Tokunaga et al. illustrates that a shaped carcass during application of the sidewalls has flared bead portions (note all the figures illustrating the shaped carcass, especially figs. 5-6 that are not described as schematic) and EP '846 (esp. paragraphs [0002]-[0003] and figs. 7-8) further provides evidence that a shaped green tire "normally" (using the term from EP '846) has a shape where the bead portions are spread outward. In view of these teachings, it would have been obvious, and in fact typical and normal, to provide the shaped configuration for a carcass with axially outwardly flared bead areas.

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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Geoffrey L. Knable/
Primary Examiner, Art Unit 1791

G. Knable
June 30, 2009